

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DAVID WOOD,
Plaintiff,

v.

RACHEL PATTON,
Attorney Pro Tem,
State of Texas,
Defendant

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Civil Action No.

1:24-cv-1058-DII

DEATH PENALTY CASE

**UNOPPOSED MOTION FOR LEAVE TO FILE MOTION IN EXCESS
OF THE PAGE LIMITATION**

This case involves a civil rights complaint filed by Texas death row inmate David Wood pursuant to 42 U.S.C. § 1983. Compl., ECF No. 1. Wood is scheduled to be executed on March 13, 2025. Wood's complaint raises challenges to Texas's postconviction DNA testing statute, Texas Code of Criminal Procedure Article 64 (Chapter 64). Compl. 12–22. Defendant, District Attorney Pro Tem Rachel Patton, is filing contemporaneously with this motion for leave a motion to dismiss Wood's complaint. Under Western District Local Rule CV-7(C), a motion to dismiss is limited to twenty pages. Defendant respectfully requests leave to file a motion to dismiss in excess of the page limitation.

Good cause exists for Defendant to exceed the page limitation. First, Wood is currently scheduled to be executed, and Defendant has attempted to

fully brief the issues raised by Wood's complaint to facilitate timely resolution of this matter. Further, Defendant's motion to dismiss is approximately forty pages in length, which is necessitated in part by the lengthy and complex procedural history of this case as well as the various defenses Defendant must raise to Wood's claims. Those defenses are both jurisdictional and merits based and could not be adequately briefed within the limitation of this Court's Local Rules.

CONCLUSION

For the above reasons, Defendant respectfully requests leave to file an extra-length motion to dismiss.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

JOSH RENO
Deputy Attorney General for
Criminal Justice

EDWARD L. MARSHALL
Chief, Criminal Appeals Division

s/ Rachel L. Patton
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Counsel for Defendants

CERTIFICATE OF CONFERENCE

I do hereby certify that I conferenced by email with counsel for Plaintiff and was told he is unopposed to this motion.

s/ Rachel L. Patton
RACHEL L. PATTON
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that on November 8, 2024, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Western District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a “Notice of Electronic Filing” (NEF) to the following counsel of record, who consented in writing to accept the NEF as service of this document by electronic means:

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